

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZIMMER SURGICAL, INC.,
Petitioner,

v.

STRYKER CORPORATION,
Patent Owner.

Case IPR2016-00255
Patent 6,622,311 B2

Before BARBARA A. PARVIS, ZHENYU YANG, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

Zimmer Surgical, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 22, 23, 26–33, and 35 of U.S. Patent No. 6,622,311 B2 (Ex. 1001, “the ’311 patent”). Stryker Corporation (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we have decided not to institute an *inter partes* review.

I. BACKGROUND

A. *Related Proceedings*

The parties identify the following case involving the ’311 patent: *Stryker Corp. v. Zimmer, Inc.*, Case No. 1:14-cv-01201 (W.D. Mich., filed Nov. 21, 2014). Pet. 1; Paper 5, 2.

Petitioner further advises us that it “is concurrently filing petitions for *inter partes* review” of three other patents. Pet. 1; see Paper 5, 2.

B. *The ’311 Patent*

The ’311 patent is titled “Air Filtration System Including a Helmet Assembly.” Ex. 1001, at [54]. Medical professionals, such as surgeons, wear air filtration systems and helmet assemblies during surgical procedures to filter air between the surgeon’s head and body and the “clean room.” *Id.* at 1:24–28. According to the ’311 patent, drawbacks of conventional air filtration systems and helmet assemblies include unbalanced air flow

throughout the helmet assembly and time-consuming and burdensome self-gowning methods. *Id.* at 1:65–67, 2:6–23.

The invention of the '311 patent provides a helmet assembly that includes inner and outer structural shells, front and rear air exits, a fan, and a scroll housing with an air inlet and air outlets. *Id.* at 5:57–59, 6:44–48, 7:3–8, 8:25–27. The outer shell is spaced apart from the inner shell and extends from the inner shell to define an air flow channel between the shells. *Id.* at 5:62–65. The fan draws air into the air inlet of the scroll housing and then distributes air out of the scroll housing through the air outlets and into the air flow channel where the air flows about the user's head. *Id.* at 7:14–18. The air flows specifically toward the user's face and neck because the helmet air exits are at the front and rear sections of the helmet. *Id.* at 8:25–29. This air flow setup “provide[s] a complete balance of air” throughout the helmet assembly. *Id.* at 8:12–16.

The invention of the '311 patent also provides a positioning and supporting system, which includes a mounting clip on the helmet assembly and an aperture on a face shield with a gown attached to it. *Id.* at 10:30–50, 11:4–5. The mounting clip interlocks with the aperture, both automatically centering the face shield relative to the helmet assembly and supporting the weight of the face shield and attached gown. *Id.* at 11:18–24. Thus, a user can easily self-gown by partially placing his arms into the sleeves of the gown and then hanging the face shield on the mounting clip. *Id.* at 11:27–31. Once the mounting clip and aperture interlock, the user can roll the gown over the helmet assembly and the user's body while maintaining sterility. *Id.* at 11:36–40.

C. Illustrative Claims

Petitioner challenges claims 22, 23, 26–33, and 35. Claims 22, 23, and 26 are independent. Independent claims 22 and 26 are illustrative of the claimed subject matter and are reproduced below.

22. A helmet assembly of an air filtration system for mounting to a head of a user to distribute air about the head of the user, said assembly comprising:

an inner structural shell;

an outer structural shell extending from said inner structural shell to define at least one air flow channel between said inner and outer shells for channeling air about the head of the user, wherein said inner and outer shells define a base section having a front section approximate a front of the head of the user and a rear section approximate a back of the head of the user;

first and second helmet air exits for distributing air from said air flow channel toward the head of the user, said first helmet air exit being disposed at said front section of said base section for distributing air from said air flow channel toward the front of the head of the user, and said second helmet air exit being disposed at said rear section of said base section for distributing air from said air flow channel toward the back of the head of the user; and

a fan module mounted to at least one of said inner and outer shells and including at least one air inlet and at least one air outlet, said fan module drawing air in through said at least one air inlet and distributing the air out through said at least one air outlet into said air flow channel and to said first and second helmet air exits.

26. A hood that is adapted to cover a helmet assembly used in an air filtration system wherein said hood assists a single user of the air filtration system in self-gowning as the user maintains sterility, said hood comprising:

a filter medium for filtering air between the user and an environment external to the user; and

a face shield mounted to said filter medium of said hood to permit the user to view through said hood, said face shield including a mounting mechanism that is adapted to automatically center said face shield relative to the helmet assembly and to support said face shield and said filter medium on the helmet assembly as the user self-gowns such that the user maintains sterility.

D. Asserted Grounds of Unpatentability

Petitioner challenges claims 22, 23, 26–33, and 35 of the '311 patent on the following grounds. Pet. 2–3, 19–60.

Reference(s)	Basis	Claim(s) Challenged
Bare ¹ and Desy ²	§ 103	26–33 and 35
Bare, Desy, and Bjorklund ³	§ 103	26–33 and 35
Thomas ⁴	§ 103	22
Thomas and Stackhouse ⁵	§ 103	23

E. Claim Construction

We construe claims in an unexpired patent by applying the broadest reasonable interpretation in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 890 (mem.) (2016). Under this standard, claim terms are given their ordinary and customary meaning, as

¹ Bare, U.S. Patent No. 5,054,480, issued Oct. 8, 1991 (Ex. 1004).

² Desy, U.S. Patent No. 4,856,109, issued Aug. 15, 1989 (Ex. 1005).

³ Bjorklund, U.S. Patent No. 4,783,854, issued Nov. 15, 1988 (Ex. 1006).

⁴ Thomas, U.S. Patent No. 5,592,936, issued Jan 14, 1997 (Ex. 1007).

⁵ Stackhouse, U.S. Patent No. 5,253,642, issued Oct. 19, 1993 (Ex. 1008).

would be understood by one of ordinary skill in the art in the context of the entire disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). On the other hand, a “claim term will not receive its ordinary meaning if the patentee acted as his own lexicographer” and clearly set forth a definition of the claim term in the specification. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002).

Petitioner provides proposed interpretations for various limitations of the claims, and Patent Owner responds. *See* Pet. 8–10; Prelim. Resp. 17–28. For purposes of this Decision, we conclude that no term requires interpretation at this time to resolve a controversy in this proceeding.

II. ANALYSIS

A. *Obviousness over Bare and Desy*

Petitioner contends that claims 26–33 and 35 of the ’311 patent would have been obvious over Bare and Desy, relying on supporting testimony of Michael L. Jones. *See* Pet. 19–38 (citing Ex. 1002). For the reasons explained below, we are not persuaded that Petitioner has established a reasonable likelihood of prevailing on its asserted ground.

1. *Bare*

Bare describes a headgear structure that allows the user to control and filter air flow during a procedure, such as a surgery. Ex. 1004, at [57] (Abstract), 1:8–10. The headgear structure includes a connection mechanism on an upper front portion of the headgear structure. *Id.* at 3:7–11. A shroud that covers the headgear structure includes a complementary connection mechanism on an inner surface of the shroud. *Id.* at 3:13–16.

When mated together, the connection mechanisms retain the shroud in a “preferred orientation” and prevent inadvertent movement of the shroud. *Id.* at 3:11–13.

The shroud also includes a transparent shield that is secured in an opening in the shroud and mounted in front of the headgear structure so that the user can see through the shield. *Id.* at 5:51–65.

2. *Desy*

Desy describes a face protective device that comprises a crown and a faceshield. Ex. 1005, 1:5–10. The crown includes an integrally molded detent in the shape of a wedge or a ramp that extends outwardly from the crown. *Id.* at 3:33–35. The faceshield includes a rectangular opening that is sized for locking engagement with the detent. *Id.* at 3:60–64. According to Desy, the integrally molded detent allows for lower materials, manufacturing, and labor costs. *Id.* at 2:12–17.

3. *Analysis*

Independent claim 26 recites a “face shield including a mounting mechanism that is adapted to automatically center said face shield relative to the helmet assembly and to support said face shield and said filter medium on the helmet assembly as the user self-gowns such that the user maintains sterility.” For this limitation, Petitioner relies on Bare. Petitioner first directs us to Figure 1 of Bare, which shows one embodiment of a headgear structure including a connection mechanism 175 on an upper front portion of the headgear structure that mates with a connection mechanism 275 (which Petitioner identifies as a “mounting mechanism”) on a shroud. Pet. 11–12

(citing Ex. 1004, 3:7–16, Fig. 1), 28; Ex. 1004, Fig. 1. Petitioner notes that the connection mechanism 275 is located above a transparent shield (which Petitioner identifies as a “face shield”). *Id.* at 19, 26. Petitioner then directs us to Figure 4 of Bare, which shows a different embodiment of a headgear structure, where the transparent shield extends past the upper front portion of the headgear structure. *Id.*; Ex. 1004, Fig. 4. Relying on testimony of Mr. Jones, Petitioner contends that, “[w]hen transparent shield 201 [of Figure 1] is modified in this way [i.e., to extend past the upper front portion of the headgear structure], a person of ordinary skill in the art at the time of the alleged invention would have known to locate connection mechanism 275 on transparent shield 201 to mate with connection mechanism 175 located on the upper front portion of the headgear structure.” Pet. 19 (citing Ex. 1002 ¶ 33). According to Petitioner, either the shield or the shroud can be mounted to the headgear structure without affecting Bare’s system because the shield is secured to the shroud. *Id.* at 19–20 (citing Ex. 1002 ¶ 33).

Based on the record presented, we are unpersuaded by Petitioner’s contentions. Petitioner must provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Bare teaches that the “connection mechanism 275 is, typically, provided on the inner surface of the *shroud* 200 to mate with connection mechanism 175.” Ex. 1004, 3:13–16 (emphasis added) (cited at Pet. 11–12). Bare also teaches that the connection mechanism 175 “operates to retain *shroud* 200 in the preferred orientation.” *Id.* at 3:11–12 (emphasis added) (cited at Pet. 20, 28). In light of these teachings in Bare, Petitioner does not explain sufficiently *why* a skilled artisan would have considered providing a connection mechanism on the

transparent shield, even if modifying Figure 1 “would have been a simple design choice,” as Petitioner contends. *See* Pet. 19. Further, Mr. Jones does not direct us to sufficient underlying facts or data which provide a basis for his opinion that one of ordinary skill in the art would have known to alternatively provide the connection mechanism 275 on the transparent shield. *See* Ex. 1002 ¶ 33. Moreover, we note that Figure 4 of Bare does not show a connection mechanism at all. Accordingly, on this record, we are not persuaded that Bare teaches or suggests the recited face shield.

Alternatively, Petitioner relies on Bare and Desy for teaching the recited face shield. With respect to Desy, Petitioner directs us to disclosure describing a face protective device with a crown and a faceshield that are removably attached to one another. Pet. 20 (citing Ex. 1005, 1:7–10). The crown includes a detent structure that locks with an opening in the faceshield. *Id.* (citing Ex. 1005, 3:60–64, Figs. 7, 7A). The detent structure and opening appear to be located centrally on the crown and faceshield, respectively. Ex. 1005, Figs. 7, 7A (cited at Pet. 20). Referring to Petitioner’s proposed modification of Figure 1 of Bare, where the transparent shield extends past the upper front portion of the headgear structure, Petitioner contends that “a person of ordinary skill in the art at the time of the alleged invention would have known to centrally dispose connection mechanism 275 on shield 201, similar to the rectangular opening 44 in *Desy*,” and “to centrally dispose connection mechanism 175 on the upper front portion 102 of headgear structure 100, like the central detent 32 in *Desy*.” Pet. 21. Petitioner relies on testimony of Mr. Jones to support its contention. *Id.* (citing Ex. 1002 ¶ 36).

Based on the record presented, we are unpersuaded by Petitioner's contention. As discussed above, Petitioner must provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Kahn*, 441 F.3d at 988. In that regard, Petitioner contends that applying the combined teachings in *Bare* and *Desy* to center *Bare*'s connection mechanisms "would have been a mere rearrangement of *Bare*'s connection mechanisms 175 and 275 according to a known technique as disclosed by *Desy* to yield predictable results that one of skill would have recognized would not have affected the functionality of headgear structure 100 and shroud 200 described in *Bare*." Pet. 21. Petitioner further contends that centering *Bare*'s connection mechanisms "would have furthered *Bare*'s stated goal of achieving a preferred orientation of shield 200 with headgear structure 100" and "would have been common sense, predictable, and within the realm of knowledge of one skilled in the art at the time of the alleged invention." *Id.* Petitioner relies on testimony of Mr. Jones to support these contentions. *Id.* (citing Ex. 1002 ¶ 37).

Petitioner does not explain sufficiently *why* one of ordinary skill in the art would have considered combining elements of *Bare* with elements of *Desy*, or *why* one of ordinary skill in the art would have considered modifying the teachings of *Bare* in view of the teachings of *Desy*, to arrive at the claimed invention. For example, claim 26 requires that the face shield include the mounting mechanism. Neither Petitioner nor Mr. Jones explains persuasively how centering *Bare*'s connection mechanisms would have arrived at the claimed invention, given that the connection mechanisms are disclosed as being provided on the upper front portion of the headgear structure and the shroud. See Ex. 1004, 3:7–16 (cited at Pet. 11–12). On

this record, we are not persuaded that Petitioner has provided adequately articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Kahn*, 441 F.3d at 988.

Petitioner additionally contends that “a person of ordinary skill in the art at the time of the alleged invention would have also known to replace connection mechanisms 175 and 275 located on the modified transparent shield 201 of *Bare* with the central detent and rectangular opening of *Desy*.” Pet. 22 (citing Ex. 1002 ¶ 39). Petitioner explains that “doing so would have decreased material, manufacturing, and labor costs.” *Id.* (citing Ex. 1005, 2:5–17). Petitioner further explains that “[d]oing so would also have been a simple substitution of one known element for another to obtain predictable results.” *Id.* at 22, 29. Finally, Petitioner explains that such substitution “would have been a simple design choice that would not have affected the functionality of the headgear structure 100 and shroud 200,” and also “would have been common sense, predictable, and within the realm of knowledge of one skilled in the art at the time of the alleged invention.” *Id.* at 22–23.

Based on the record presented, we also are unpersuaded by Petitioner’s contentions in this regard. Again, Petitioner does not explain sufficiently *why* one of ordinary skill in the art would have considered combining elements of *Bare* with elements of *Desy*, or *why* one of ordinary skill in the art would have considered modifying the teachings of *Bare* in view of the teachings of *Desy*, to arrive at the claimed invention. As discussed above, claim 26 requires that the face shield include the mounting mechanism. Neither Petitioner nor Mr. Jones explains persuasively how substituting *Desy*’s detent and opening for *Bare*’s connection mechanisms

would have arrived at the claimed invention, given that the connection mechanisms are disclosed as being provided on the upper front portion of the headgear structure and the shroud. *See* Ex. 1004, 3:7–16 (cited at Pet. 11–12). Accordingly, on this record, we are not persuaded that Petitioner has provided adequately articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Kahn*, 441 F.3d at 988.

In view of the foregoing, we determine that Petitioner has not established a reasonable likelihood of prevailing in showing that independent claim 26 would have been obvious over Bare and Desy. Claims 27–33 and 35 depend from claim 26. Accordingly, we also determine that Petitioner has not established a reasonable likelihood of prevailing in showing that these dependent claims would have been obvious over Bare and Desy.

B. Obviousness Bare, Desy, and Bjorklund

Petitioner argues that claims 26–33 and 35 of the '311 patent would have been obvious over Bare, Desy, and Bjorklund. *See* Pet. 39–45. Petitioner relies on supporting testimony of Mr. Jones. *See id.* (citing Ex. 1002). For the reasons explained below, we are not persuaded that Petitioner has established a reasonable likelihood of prevailing on its asserted ground.

1. Bjorklund

Bjorklund describes a protective hospital garment (gown) that allows for a user to self-gown without compromising sterility. Ex. 1006, 1:4–8,

23–35. The gown is delivered to the user folded into a package that is enclosed in a sterility wrapping. *Id.* at 1:6–8, 15–16. When putting on the gown, the user can slip his hands into an opening at the side of the package and then lift up the gown so that the gown folds out, allowing the user to slide his hands and arms further into the gown. *Id.* at 2:2–7. Afterward, the user can lift the gown up further and ease it down over his head as he moves his arms into the sleeves and the gown falls down around his waist. *Id.* at 2:7–10. Bjorklund teaches that “these operations can be carried out without the user’s fingers coming into contact with the outside of the garment.” *Id.* at 2:10–12.

2. Analysis

As noted above, independent claim 26 recites a “face shield including a mounting mechanism.” With respect to this limitation, Petitioner contends that, “[a]s discussed above in Ground 1, *Bare* in combination with *Desy* discloses the face shield (201) including a mounting mechanism (275 or rectangular opening 44).” Pet. 43. For the reasons given above, we are not persuaded that *Bare* and *Desy* teach the face shield recited in claim 26. *See also id.* at 39 (“connection mechanism 275 is provided on the inner surface of *shroud* 200”) (emphasis added).

Petitioner further relies on Bjorklund for teaching certain other limitations recited in claim 26. *See id.* at 42 (“one of skill in the art would have known to use a folding technique and self-gowning method like that disclosed in *Bjorklund* with the shroud of *Bare* to allow a user to self-gown while maintaining sterility”). As Patent Owner points out, “[b]ecause [Petitioner] does not even allege that Bjorklund discloses any helmet or face

shield at all, much less a mounting mechanism for aligning the helmet and face shield, Bjorklund cannot fill in the gaps of claim 26.” Prelim. Resp. 40. Accordingly, based on the record presented, we are not persuaded that Bare, Desy, and Bjorklund teach all the limitations recited in claim 26.

In view of the foregoing, we determine that Petitioner has not established a reasonable likelihood of prevailing in showing that independent claim 26 would have been obvious over Bare, Desy, and Bjorklund. Claims 27–33 and 35 depend from claim 26. Accordingly, we also determine that Petitioner has not established a reasonable likelihood of prevailing in showing that these dependent claims would have been obvious over Bare, Desy, and Bjorklund.

C. Obviousness over Thomas

Petitioner argues that claim 22 of the ’311 patent would have been obvious over Thomas, relying on supporting testimony of Mr. Jones. See Pet. 45–54 (citing Ex. 1002). For the reasons explained below, we are not persuaded that Petitioner has established a reasonable likelihood of prevailing on its asserted ground.

1. Thomas

Thomas describes a unitary helmet member with an air filtration system that filters air moving in and out of the system. Ex. 1007, at [57] (Abstract), 1:8–10. The unitary helmet member includes front, middle, and rear apertures. *Id.* at 2:6–8. Other apertures may be included to add air flow to the side or back of the head. *Id.* at 2:8–10. A portion of the unitary

helmet member between the front and rear apertures is hollow to provide air routing means. *Id.* at 3:40–42.

The unitary helmet member also includes a fan at the rear of the unitary helmet member. *Id.* at 3:51–52. The fan draws air through the rear aperture and the air routing means toward the front of the unitary helmet member. *Id.* at 3:42–46, 54–57. Along the way, the air divides around the middle aperture and converges near the front of the unitary helmet member before passing through the front aperture and down over the user’s face. *Id.* at 3:46–50.

2. Analysis

Independent claim 22 recites a helmet assembly with “an outer structural shell extending from said inner structural shell to define at least one air flow channel between said inner and outer shells for channeling air about the head of the user.” For this limitation, Petitioner directs us to where Thomas describes a unitary helmet member with air routing means “generally formed by interior surfaces 48.” Pet. 46–47 (citing Ex. 1007, 4:37–38). Thomas teaches that a rear aperture in the helmet member connects an outside surface 44 of the helmet member to an interior surface 48 of the helmet member. *Id.* at 47 (citing Ex. 1007, 4:35–37). Thomas also teaches that a front aperture in the helmet member connects the interior surface 48 to both inside and outside surfaces 46, 44 of the helmet member. *Id.* (citing Ex. 1007, 4:39–41). Petitioner identifies the air routing means as an “air flow channel,” the inside and interior surfaces 46, 48 as an “inner structural shell,” and the outside surface 44 as an “outer structural shell.” *Id.* at 46–47. Referring to Figure 2 of Thomas, Petitioner further contends that a

skilled artisan would understand that “the interior surfaces 48 and inside surface 46 are ‘interior’/‘inside’ with respect to the ‘outside’ surface 44 of the unitary helmet member 12,” and that “the outside surface 44 extends from the interior surfaces 48 and inside surface 46, thereby defining the air channeling means between the interior surfaces 48/inside surface 46 and outside surface 44 for channeling air about the head of the user.” *Id.* at 47 (citing Ex. 1007, Fig. 2). Petitioner relies on testimony of Mr. Jones to support its contentions. *See id.* (citing Ex. 1002 ¶ 63).

Based on the record presented, we are unpersuaded by Petitioner’s contentions. Petitioner does not explain sufficiently how Thomas’s air routing means (or air channeling means) is considered to be defined *between* surfaces 46, 48 and outside surface 44. Figure 2 of Thomas is reproduced below.

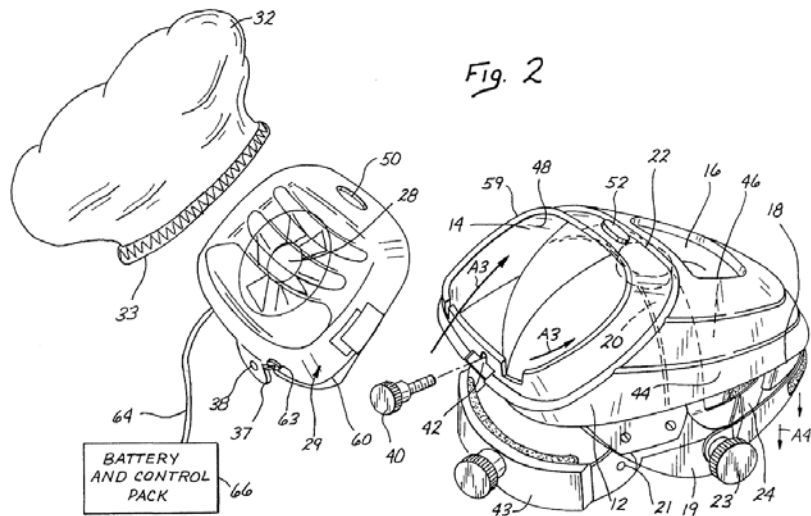


Figure 2 depicts a partially disassembled air filtration system.

Given Thomas’s teaching that the air routing means is formed by the interior surfaces 48, Figure 2 of Thomas appears to show the air routing means as

being defined *inside* the surfaces 44, 46, 48, not *between* the surfaces 46, 48 and outside surface 44. *See* Ex. 1007, 4:37–38, Fig. 2.

In view of the foregoing, we determine that Petitioner has not established a reasonable likelihood of prevailing in showing that independent claim 22 would have been obvious over Thomas.

D. Obviousness over Thomas and Stackhouse

Petitioner argues that claim 23 of the '311 patent would have been obvious over Thomas and Stackhouse, relying on supporting testimony of Mr. Jones. *See* Pet. 54–60 (citing Ex. 1002). For the reasons explained below, we are not persuaded that Petitioner has established a reasonable likelihood of prevailing on its asserted ground.

1. Stackhouse

Stackhouse describes a surgical gown that includes a body portion, a pair of sleeves, and a hood. Ex. 1008, 2:30–34. The body portion includes a front portion, rear portion, and shoulder portions. *Id.* at 2:35–36. To increase the integrity of the gown, a front panel made of flexible impervious material may be provided on the front portion of the gown. *Id.* at 3:10–13.

2. Analysis

Independent claim 23 recites a helmet assembly with “an outer structural shell extending from said inner structural shell to define at least one air flow channel between said inner and outer shells for channeling the air about the head of the user.” For this limitation, Petitioner contends:

As discussed above in Ground 3 . . . , *Thomas* teaches that the base section of the helmet assembly (12) further includes an inner structural shell (46 and 48) and an outer structural shell (44) extending from the inner structural shell to define at least one air flow channel (air channeling means) between the inner and outer shells for channeling the air about the head of the user.

Pet. 56. For the reasons given above, we are not persuaded that *Thomas* teaches an air flow channel *between* inner and outer structural shells.

In view of the foregoing, we determine that Petitioner has not established a reasonable likelihood of prevailing in showing that independent claim 23 would have been obvious over *Thomas* and *Stackhouse*.

III. CONCLUSION

For the foregoing reasons, we are not persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail on any of the challenges to patentability of the '311 patent set forth in the Petition.

IV. ORDER

For the reasons given, it is

ORDERED that the Petition is *denied* as to all challenged claims, and no trial is instituted.

IPR2016-00255
Patent 6,622,311 B2

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